

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

RICKY W. WELLS, ET AL. §
v. § CIVIL ACTION NO. 9:07cv27
UNION PACIFIC RAILROAD COMPANY §

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE


The [Report and Recommendation](#) of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that Union Pacific's Motion for Partial Summary Judgment as to Plaintiff Conrad Lindquist ([document #167](#)) be denied in part and granted in part. The Report and Recommendation recommends that the motion be denied to the extent that Union Pacific seeks summary judgment on Lindquist's FELA claim for a shoulder injury and that the motion for summary judgment be granted with regard to Lindquist's aggravation claims and his Locomotive Inspection Act claims. No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the Motion for Partial Summary Judgment as to Plaintiff Conrad Lindquist ([document #167](#)) be **DENIED** in part and **GRANTED** in part. The motion is **DENIED** to the extent

that Union Pacific seeks summary judgment on Lindquist's FELA claim for a shoulder injury. The motion for summary judgment is **GRANTED** with regard to Lindquist's aggravation claims and his Locomotive Inspection Act claims and these claims are **DISMISSED** with prejudice.

SIGNED this the 4 day of September, 2008.


Thad Heartfield
United States District Judge